

Judiciary and Courts (Scotland) Act 2008 2008 asp 6

JUDICIARY AND COURTS (SCOTLAND) ACT 2008

PART 1

JUDICIAL INDEPENDENCE

1 Guarantee of continued judicial independence

PART 2

THE JUDICIARY

CHAPTER 1

HEAD OF THE SCOTTISH JUDICIARY

- 2 Head of the Scottish Judiciary
- 3 Delegation of functions

CHAPTER 2

SENIOR JUDICIARY: VACANCY, INCAPACITY AND SUSPENSION

- 4 Lord President
- 5 Lord Justice Clerk
- 6 Periods when both sections 4 and 5 apply
- 7 Supplementary
- 8 Interpretation of Chapter 2

CHAPTER 3

JUDICIAL APPOINTMENTS

Judicial Appointments Board for Scotland

9 The Judicial Appointments Board for Scotland

- 10 Judicial offices within the Board's remit
- 11 Recommendations of the Board
- 12 Selection criteria
- 13 Assessment of legal knowledge, skills and competence
- 14 Encouragement of diversity
- 15 Guidance
- 16 Guidance: procedure
- 17 Confidentiality of information
- 18 Annual report

Lord President and Lord Justice Clerk

- 19 Appointment
- 20 Selection criteria

Other Court of Session judges

- 21 Eligibility of solicitors for appointment as judges
- 22 Temporary judges: tenure
- 23 Re-employment of retired judges

Sheriffs principal, sheriffs and part-time sheriffs

- 24 Appointment of temporary sheriffs principal
- 25 Re-employment of retired sheriffs principal and sheriffs
- 26 Appointment of part-time sheriffs
- 27 Sheriffs and part-time sheriffs: official oaths

CHAPTER 4

JUDICIAL CONDUCT

Judicial conduct

- 28 Rules about investigations etc.
- 29 Powers of Lord President

Judicial Complaints Reviewer

- 30 Judicial Complaints Reviewer
- 31 Judicial Complaints Reviewer: tenure etc.
- 32 Guidance
- 33 Lord President's powers on referral

Suspension

34 Suspension

CHAPTER 5

REMOVAL FROM OFFICE

Judges

- 35 Tribunal to consider fitness for judicial office
- 36 Suspension during investigation

- 37 Further provision about tribunals
- 38 Report of tribunal
- 39 Temporary judges: removal from office

Sheriffs

40 Consideration of fitness for, and removal from, shrieval office

Justices of the peace

41 Provision relating to tribunal considering fitness for office of justices of the peace

CHAPTER 6

TRAINING AND APPRAISAL OF JUSTICES OF THE PEACE

42 Training and appraisal of justices of the peace

CHAPTER 7

MEANING OF "JUDICIAL OFFICE HOLDER"

43 Meaning of "judicial office holder"

PART 3

THE COURTS

The Court of Session

- 44 Maximum number of judges
- 45 Number of judges of the First and Second Divisions of the Inner House
- 46 Divisions of the Inner House

Sheriff courts

- 47 Sheriff principal's responsibility
- 48 Repeal of certain responsibilities of Scottish Ministers
- 49 Lord President's default power
- 50 Alteration of boundaries of sheriffdoms
- 51 Sheriff court districts and places where sheriff courts are to be held
- 52 Repeal of power to appoint sheriff to assist Scottish Ministers
- 53 Sheriffs principal and sheriffs acting in other sheriffdoms
- 54 Residence and leave of absence of sheriffs principal
- 55 Number, residence and deployment of sheriffs
- 56 Leave of absence of sheriffs

Justice of the peace courts

- 57 Establishment, constitution etc.
- 58 Sheriff principal's responsibility

Court holidays

59 Court holidays in sheriff courts and justice of the peace courts

PART 4

THE SCOTTISH COURT SERVICE

Establishment

60 The Scottish Court Service

Functions

- 61 Administrative support for the Scottish courts and judiciary
- 62 Administrative support for other persons
- 63 Appointment etc. of office holders
- 64 Payment of remuneration etc. of certain judicial office holders

Provision of advice etc. to the Scottish Ministers

65 Provision of advice etc. to the Scottish Ministers

Plan and report

- 66 Corporate plan
- 67 Annual report

Ministerial powers

- 68 Provision of information
- 69 Guidance
- 70 Default power

PART 5

GENERAL

- 71 Orders and regulations
- 72 Interpretation
- 73 Consequential amendments and repeals
- 74 Ancillary provision
- 75 Transitional provision etc.
- 76 Commencement and short title

SCHEDULE 1 — The Judicial Appointments Board for Scotland

- 1 Status of the Board
- 2 Membership
- 3 The judicial and legal members
- 4 The lay members
- 5 Persons disqualified from membership
- 6 Term of office
- 7 Resignation of members
- 8 Removal of members
- 9 Chairing Member: appointment and tenure
- 10 Chairing Member: resignation, removal, vacancy etc.
- 11 Temporary members
- 12 Conflicts of interest
- 13 Fees and expenses

- 14 Administrative support
- 15 Procedure
- 16 Committees and delegation
- 17 Validity of proceedings
- 18 Board to fall within remit of Commissioner for Public Appointments in Scotland
- 19 Code of conduct for members
- 20 Maladministration
- 21 Freedom of information
- 22 Transitional provision: constitution of the first Board

SCHEDULE 2 — Panels established under section 19(2)

- 1 Constitution of panel
- 2 Vacancies etc.
- 3 Qualifying judges
- 4 Fees and expenses

SCHEDULE 3 — The Scottish Court Service

- 1 Status of SCS
- 2 Membership
- 3 Procedure for appointment of members
- 4 Persons disqualified from membership
- 5 Term of office
- 6 Reappointment
- 7 Resignation and removal of members
- 8 Suspension of judicial members
- 9 Chairing of the SCS
- 10 Committees
- 11 Proceedings
- 12 Validity of actings
- 13 Remuneration and expenses
- 14 Chief Executive and other staff
- 15 Ancillary powers
- 16 Power to use local authority premises
- 17 Delegation
- 18 Freedom of information
- 19 Transfer of staff
- 20 Transfer of property and liabilities

SCHEDULE 4 — Appointment etc. of office holders: consequential amendments

- 1 The Administration of Justice (Scotland) Act 1933 (c. 41)
- 2 The Sheriff Courts and Legal Officers (Scotland) Act 1927 (c. 35)

SCHEDULE 5 — Consequential amendments and repeals

- 1 The Courts of Law Fees (Scotland) Act 1895 (c. 14)
- 2 The Sheriff Courts (Scotland) Act 1971 (c. 58)
- 3 The Scotland Act 1998 (Transitory and Transitional Provisions) (Removal of Judges) Order 1999 (S.I. 1999/1017)
- 4 The Senior Judiciary (Vacancies and Incapacity) (Scotland) Act 2006 (asp 9)
- 5 The Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6)